

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

_____)	
HYSITRON INCORPORATED,)	Civil No. 0:07-CV-01533-ADM/AJB
a Minnesota corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
MTS SYSTEMS CORPORATION,)	
a Minnesota corporation,)	
)	
Defendant.)	
_____)	

DECLARATION OF ALLEN HINDERAKER
IN OPPOSITION TO MOTION TO STAY

I, Allen W. Hinderaker, an attorney with the law firm of Merchant & Gould P.C., which represents Plaintiff Hysitron Incorporated (“Hysitron”) in the above identified matter. I declare as follows:

1. Attached hereto as Exhibit A is a true and correct copy of the “Amended Complaint,” filed on May 29, 2007 (D.I. 21).
2. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 5,553,486.
3. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 6,026,677.
4. Attached hereto as Exhibit D is a true and correct copy of the “Answer,” filed on April 12, 2007 (D.I. 4).

5. Attached hereto as Exhibit E is a true and correct copy of the “Request for Reexamination of U.S. Patent No. 5,553,486,” served on Hysitron on May 25, 2007.

6. Attached hereto as Exhibit F is a true and correct copy of the “Request for Reexamination of U.S. Patent No. 6,026,677,” served on Hysitron on May 25, 2007.

7. Attached hereto as Exhibit G is a true and correct copy of “Ex Parte Reexamination Filing Data – June 30, 2006,” published by the U.S. Patent and Trademark Office.

8. Attached hereto as Exhibit H is a true and correct copy of *Ecolab, Inc. v. FMC Corp.*, 05-CV-831, 2007 U.S. Dist. LEXIS 39189 (D. Minn. May 29, 2007).

9. Attached hereto as Exhibit I is a true and correct copy of *Biax Corp. v. Fujitsu Comp. Sys. Corp.*, 2:06-CV-364, 2007 U.S. Dist. LEXIS 12973 (E.D. Tex. Feb. 26, 2007).

10. Attached hereto as Exhibit J is a true and correct copy of Form 10-K for the fiscal year ended September 30, 2006, for MTS Systems Corporation, published by the Securities and Exchange Commission.

I state under penalty of perjury that the forgoing is true and correct.

Dated: June 13, 2007

s/Allen W. Hinderaker